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June 24, 2011

By ECF

Honorable Robert M. Levy
United States Magistrate-Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Government Employees Insurance Co. et al. v. One of the Best et al.
Docket No.: DV10-4287 (NGG)(RML)
Rivkin Radler File No.: 005100-00003

Dear Magistrate Judge Levy:

I am in receipt of Mr. Levy's letter to the Court dated June 24, 2011 enclosing the Decision of Judge Driscoll. As mentioned in Mr. Levy's letter, the issues bear directly on the ability to resolve this case as well as GEICO's claims against Defendants, Rapuzzi, Palumbo & Rosenberger and Patricia Rapuzzi (the "RPR Defendants") in the action entitled Government Employees Ins. Co., et al. v. Green, et al., CV 10-2671 (SLT)(CLP). As a copy of Mr. Levy's letter was filed via ECF under that docket number, a copy of this letter will also be filed under that docket number as well as to update Judge Townes and Magistrate-Judge Pollak regarding this matter as it was also represented in a joint letter to the court that the claims against the RPR Defendants in that matter were settled.

After a careful review of the Decision, I believe the Decision is in error. While I have not had the opportunity to review this Decision with my clients, I believe a settlement conference in this matter is premature.

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Further, our prior settlement negotiations which included one (1) day with a paid mediator, have broken down due both to the intransigence of Rivkin Radler and certain ethical issues which arose in regard to legal representation which were contained in the proposed settlement.

I think bringing all parties to Court without a foundation for a settlement would be a waste of everyone's time; and unlike GEICO, the defendants do not have unlimited resources.

Very truly yours,



Edward K. Blodnick

TF/ddc